

**APPENDIX E**  
**ELECTRONIC CASE FILING PROCEDURE**

**I. INTRODUCTION**

**1. In General.** This Appendix sets forth the procedures governing electronic filings in the United States Court of Federal Claims. A Case Management/Electronic Case Files (CM/ECF) User Manual is available on the court’s website—[www.uscfc.uscourts.gov](http://www.uscfc.uscourts.gov). For procedures governing electronic filings in Vaccine Act cases, see Appendix B to these rules (“Vaccine Rules of the United States Court of Federal Claims”), Supplement (“Electronic Case Filing Procedure in Vaccine Act Cases”).

**2. Definitions.** For purposes of this Appendix, the following definitions apply:

- (a) “ECF System” means the court’s system for electronic case filing;
- (b) “ECF case” means any case designated by the court as an electronic case in the ECF System;
- (c) “Filing User” means an individual to whom the court has granted access to file documents electronically in the ECF System;
- (d) “filing” means any document that is filed electronically in the ECF System; and
- (e) “court” means the assigned judge or, where appropriate, the assigned special master.

**II. ELECTRONIC CASE  
DESIGNATION AND NOTICE**

**3. Scope.**

- (a) **Newly Filed Cases.** All newly filed cases will be designated ECF cases except for cases involving pro se litigants.
- (b) **Converted Cases.** The court may convert a pending non-ECF case to an electronic case at any time.

**4. Notice to Counsel.** The clerk will notify counsel that a case has been designated an ECF case by filing a “Notice of Designation.”

**III. ACCESS TO ECF SYSTEM;  
RESPONSIBILITY OF FILING USERS;  
EXEMPTION FROM USE**

**5. Access.**

(a) **Applications.** Applications for access to file documents electronically in the ECF System are submitted through PACER (Public Access to Court Electronic Records) at [www.pacer.gov](http://www.pacer.gov), and will be granted to:

- (i) an attorney who is admitted to the bar of this court; and
- (ii) an individual who is not represented by an attorney only if allowed or so required by court order.

(b) **Notification.** The court will notify a Filing User when access to the ECF System has been granted.

**6. Use of Electronic Filing Account.** No Filing User or other person may knowingly permit or cause a Filing User’s login and password to be used by anyone other than an authorized agent of the Filing User. Any Filing User or other person may be subject to sanctions for failure to comply with this provision.

**7. Exemption From Filing Electronically.** By filing an appropriate motion, an individual not registered as a Filing User may, for good cause, seek to be exempted from filing documents electronically in an ECF case.

**IV. FILING REQUIREMENTS**

**8. Filings.**

(a) **Initial Filings.** Initial papers, including the complaint, may be filed in paper or electronic form in accordance with RCFC 5.5.

(b) **Subsequent Filings.** Once a case has been designated an ECF case, all subsequent filings must be made electronically, except as provided in this Appendix or by leave of the court in exceptional circumstances that prevent a Filing User from filing electronically.

(c) **Exhibits and Attachments.** Unless otherwise ordered by the court, when filing an exhibit or attachment, a Filing User:

- (i) must file the exhibit or attachment electronically along with the main document under one entry number;
- (ii) must include only those excerpts of the referenced exhibit or attachment that are directly germane to the matter under consideration by the court;
- (iii) must clearly and prominently identify the excerpted material; and
- (iv) may seek leave to file additional excerpts or the complete document.

## 9. Technical Requirements

### (a) Format.

- (i) **In General.** Electronically filed documents must be:

- (A) converted to Portable Document Format (PDF); and
- (B) text searchable.

The ECF system will not accept PDF documents containing tracking tags, embedded system commands, password protections, access restrictions or other security features, special tags, or dynamic features.

### (ii) Scanned Documents.

- (A) Electronically filed documents should not be scanned prior to filing unless the original documents are unavailable in electronic form.
- (B) A Filing User is responsible for ensuring the accuracy and readability of a scanned document.

### (b) Size Limitations

- (i) **In General.** A single filing may be divided into multiple PDF files.
- (ii) **Number of Files.** Counsel must endeavor to limit the total number of PDF files that constitute a single filing, particularly when filing appendices and administrative records.
- (iii) **Size of Files.**
  - (A) Unless otherwise ordered by the court, each PDF file must not exceed the size limitation established by the court.
  - (B) The current size limitation is posted on the court's website or

may be obtained by calling the clerk's office.

- (iv) **Exceeding the Size Limitation.** For files that exceed the size limitation, the Filing User must seek appropriate relief from the court, which may, for example, authorize a filing in some other electronic format (e.g., a portable storage disc or drive) or in paper form.

- (c) **Events.** Events are used in the ECF System for filing documents and creating docket entries on the docket sheet. A Filing User:

- (i) must select an event or events for each filed document based on the purpose of the document or relief requested; and
- (ii) should use the most specific event available rather than a more generic event.

- (d) **Linking Filings.** An electronically filed document—such as a response or reply—that pertains to a motion or other filing must be linked properly in the ECF System to the filing to which it pertains.

**10. Courtesy Copies in Paper Form.** Unless otherwise ordered by the court, if a document, including exhibits and attachments, exceeds 50 pages when printed, the Filing User must supply chambers with a courtesy copy of the document in paper form in accordance with RCFC 5.5(c). The court may order the parties to supply courtesy copies in paper form of any ECF filing.

**11. Filing Under Seal.** In all cases except cases filed under the National Vaccine Injury Compensation Program, a party:

- (a) must seek leave of the court to file documents electronically under seal; and
- (b) may not attach the documents to be filed under seal to the motion for leave but rather may file the documents electronically only after the motion is granted.

## V. FILING PROCEDURES

### 12. Notice of Filing; Service.

- (a) **Notifying the Parties.** At the time a document is filed, the ECF System automatically generates a "Notice of

Electronic Filing” and automatically e-mails the notice to all parties.

- (b) **Service.** The transmission of the “Notice of Electronic Filing” satisfies the service requirement of RCFC 5 and the proof of service requirement of RCFC 5.3.

**13. Effect of Filing and Transmission of Notice of Filing.** A filing by a party under this Appendix, together with the transmission of the “Notice of Electronic Filing,” constitutes a filing under RCFC 5 and an entry on the docket kept by the clerk under RCFC 58 and 79.

**14. Official Court Record.** The official court record is the electronic recording of the document as stored by the court and the filing party is bound by the document as filed.

**15. Date of Filing.** Except in the case of a document first filed in paper form and subsequently converted to an ECF filing, a document filed in an ECF case is deemed filed on the date stated in the “Notice of Electronic Filing.”

**16. Timeliness of Filing.** Unless otherwise ordered by the court, a filing under this Appendix must be submitted before midnight local time in Washington, DC, to be considered timely filed on that date.

**17. Date Stamp.** The filing date of each filing will appear at the top of the first page in an automatically generated banner stating the case number, the document number, and the date filed.

## VI. SIGNATURES AND RELATED MATTERS

**18. Signature Defined.** A Filing User’s login and password will serve as his or her signature on a filing for all purposes, including those under RCFC 11.

**19. Signature Requirements.**

- (a) **Electronic Signature.** Filings must include a signature block, in compliance with RCFC 11(a), with the name of the Filing User under whose login and password the document is submitted along with an “s/[name of Filing User]” typed in the space where the signature would otherwise appear.
- (b) **Written Signature.** A Filing User may also satisfy the signature requirement by

scanning a document containing his or her written signature.

- (c) **Noncompliance.** A filing that does not comply with this provision will be deemed in violation of RCFC 11 and may be stricken from the record.

**20. Signatures of Multiple Parties.** Documents requiring signatures of more than one party may be filed electronically:

- (a) by submitting a scanned document containing all necessary written signatures;
- (b) by submitting a document containing an electronic signature for each party (“s/[name of party]”) and the filing attorney’s representation that the other parties have reviewed the document and consent to its filing.

## VII. COURT ORDERS, JUDGMENTS, AND APPEALS

**21. Filings by the Court.** Any order, opinion, judgment, or other proceeding of the court in an ECF case will be filed in accordance with this Appendix.

**22. Effect of Filing.** A filing by the court under this Appendix:

- (a) is an entry on the docket kept by the clerk under RCFC 58 and 79; and
- (b) has the same force and effect as a paper copy entered on the docket in the traditional manner.

**23. Notice of Filing; Service.**

- (a) **Notifying the Parties.** Notice of a filing by the court will be accomplished by delivering to the parties a “Notice of Electronic Filing” in the manner prescribed in paragraph 12(a).
- (b) **Service.** The transmission of the “Notice of Electronic Filing” satisfies the service requirement of RCFC 77(d).

**24. Court-Ordered Deadlines.** If an order or opinion specifies a due date for the filing of a document, that date will control over any other filing deadline listed on the docket for that document.

**25. Notice of Appeal.** A notice of appeal to the United States Court of Appeals for the Federal Circuit must be filed in the traditional manner in

accordance with the court's rules or may be filed electronically in an ECF case.

## VIII. PRIVACY

### 26. Personal Information.

- (a) **In General.** Filing Users are advised that any personal information in a filing that is not otherwise protected will be available over the Internet through PACER.
- (b) **Including Personal Information in a Filing.** In compliance with the E-Government Act of 2002, Filing Users should not include personal information in any filing unless such inclusion is necessary and relevant to the filing.
- (c) **Excluding or Redacting Personal Information in a Filing.** The following personal identifiers should be excluded, or redacted when inclusion is necessary, from all filings, unless otherwise ordered by the court:
  - (i) Social Security numbers—if an individual's Social Security number must be included in a filing, only the last four digits of the number should be used;
  - (ii) names of minor children—if the name of a minor child must be mentioned in a filing, only the initials of the child should be used;
  - (iii) dates of birth—if an individual's date of birth must be included in a filing, only the year should be used; and
  - (iv) financial account numbers—if a financial account number is relevant to a filing, only the last four digits of the number should be used.
- (d) **Using Caution When Including Other Sensitive Information.** Filing users should exercise caution when filing documents containing:
  - (i) a personal identifying number, such as a driver's license number;
  - (ii) medical records;
  - (iii) employment history;
  - (iv) individual financial information; or
  - (v) proprietary or trade secret information.

**27. Deciding When to Include, Redact, or Exclude Personal Information.** Counsel are strongly urged to discuss with all clients the use of personal information so that an informed decision about including, redacting, or excluding such information may be made.

**28. Responsibility to Protect Personal Information.** It is the sole responsibility of counsel and the parties to protect any personal information included in a filing; the clerk's office will not review filings to ensure that personal information has been adequately protected.

## IX. RETENTION, TECHNICAL FAILURE, PUBLIC ACCESS, AND HYPERLINKS

**29. Retaining in Paper Form Documents Requiring More Than One Signature.** A document requiring signatures of more than one party (e.g., an affidavit or a joint status report) must be maintained in paper form by the Filing User until three years after all periods for appeal expire. The court may request the Filing User to provide the original document for review.

### 30. Technical Failure of the ECF System.

(a) **Relief by Motion.** If a filing is deemed untimely as the result of a technical failure of the ECF System, the Filing User may seek appropriate relief from the court.

(b) **Deeming the Clerk's Office Inaccessible.** If the ECF System is inaccessible for any significant period of time, the clerk will deem the clerk's office inaccessible under RCFC 6.

**31. Reviewing Filings.** The public may review filings in the clerk's office. A person may also access filings in the ECF System by obtaining a PACER login and password (*see* [www.pacer.gov](http://www.pacer.gov)).

### 32. Hyperlinks.

(a) **Type.** Filings may contain the following types of hyperlinks:

- (i) hyperlinks to other portions of the same document;
- (ii) hyperlinks to documents already filed in the court's ECF System; and
- (iii) hyperlinks to a location on the Internet that contains a source document for a citation.

- (b) **Cited Authority.** Hyperlinks to cited authority may not replace standard citation format. Complete citations must be included in the text of the filed document.
- (c) **Limitation.** Neither a hyperlink, nor any site to which it refers, shall be considered part of the record. Hyperlinks are simply convenient mechanisms for accessing material cited in a filed document. If a party wishes to make any hyperlinked material part of the record, the party must include the material as an attachment to the filing.
- (d) **Disclaimer.** The court accepts no responsibility for, and does not endorse, any product, organization, or content at any hyperlinked site, or at any site to which that site may be linked. The court accepts no responsibility for the availability or functionality of any hyperlink.

#### **Rules Committee Notes**

##### **2007 Adoption**

Appendix E replaces former General Order No. 42A (“Interim Procedures for Electronic Case Filing”), issued on November 4, 2004, and establishes electronic case filing as a mandatory procedure applicable to all new cases filed in the court except for those cases involving pro se litigants. For supplemental procedures governing electronic filings in cases under the National Vaccine Injury Compensation Program, counsel shall refer to the Office of Special Masters General Orders, which can be found on the court’s website. Former Appendix E (“Procedure in Carrier Cases”) has been redesignated in these rules as Appendix I.

##### **2011 Amendment**

Paragraph 1 has been amended to include a cross-reference to the separate procedures governing electronic filings in Vaccine Act cases set forth in the Supplement to Appendix B (“Vaccine Rules of the United States Court of Federal Claims”).

##### **2012 Amendment**

Paragraph 25 has been amended to eliminate the requirement that parties file paper copies of notices of appeal in electronic cases.

##### **2015 Amendment**

Paragraph 4 has been amended by deleting the statement that all ECF cases will be listed on the court’s website.

Paragraph 8 has been amended to allow a plaintiff not appearing pro se to file a complaint electronically.

##### **2016 Amendment**

Paragraph 9(b) has been amended to clarify that single filing may not exceed 11 separate Adobe PDF files.

In addition, paragraph 12 has been amended by deleting as no longer necessary former paragraph 12(b) which provided that the clerk “will serve the ‘Notice of Electronic Filing’ (but not the underlying filing) on case participants who are not Filing Users by e-mail, hand delivery, facsimile or first-class postage prepaid mail.”

Paragraph 17 also has been amended to clarify that the ECF system automatically generates a filing date stamp at the top of first page of each filing.

Finally, paragraph 23(a) has been amended to delete the reference to former paragraph 12(b).

##### **2017 Amendment**

Paragraph 9(b) has been amended to remove the specific limitation on the number of Adobe PDF files that constitute a single filing.

##### **2019 Amendment**

Paragraph 20 has been amended to clarify that a document requiring the signature of more than one party must contain either a scanned written signature of each party or an electronic signature of each party along with the filing attorney’s representation that the other parties have reviewed the document and consent to its filing.

##### **2020 Amendment**

Paragraph 2(c) has been amended to define a Filing User as an individual, rather than as a member of the court’s bar, to whom the court has

granted access to file documents electronically in the ECF System.

Paragraph 5 has been amended to reflect that applications for access to file documents electronically in the ECF System are submitted through PACER and that access may be granted to an individual who is not represented by an attorney only if allowed or so required by court order.

Paragraph 9 has been amended to include additional technical requirements related to document format, event selection, and linking filings. In addition, paragraph 9(b) has been amended to substitute the phrase “a portable storage disc or drive” for CD-ROM.

Finally, new paragraph 32 has been added to address hyperlinks in filings.